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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROGELIO MAY RUIZ,

12 Plaintiff,

13 v.

14 J. ROSSI, et al.,

15 Defendants.
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No. 2:20-cv-1066 WBS DB P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42
18 U.S.C. § 1983. Plaintiff claims his rights were violated in connection with a rules violation report
19 he received in June 2019. On November 2, 2020, the undersigned recommended that plaintiff's
20 motion to proceed in forma pauperis be denied because plaintiff accrued three strikes under 28
21 U.S.C. § 1915(g) prior to filing the instant action. (ECF No. 9.) By order dated January 4, 2021,
22 the district judge assigned to this action adopted the findings and recommendations and directed
23 plaintiff to pay the filing fee within forty-five days or face dismissal of this case. (ECF No. 12.)
24 Those forty-five days have passed, and plaintiff has not paid the filing fee.

25 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
26 prejudice.

27 These findings and recommendations will be submitted to the United States District Judge
28 Assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after

1 being served with these findings and recommendations, plaintiff may file written objections with
2 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
3 Recommendations." Plaintiff is advised that failure to file objections within the specified time
4 may result in a waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d
5 1153 (9th Cir. 1991).

6 Dated: April 26, 2021

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10 DEBORAH BARNES
11 UNITED STATES MAGISTRATE JUDGE
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18 DB:12

19 DB/DB Prisoner Inbox/Civil.Rights/R/ruiz1066.f&r.fee
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